

REMARKS

Claims 1-19 were pending in the application. Claims 4, 10, 12, and 19 have been amended. No claims have been added. Claims 5, 6, and 11 have been cancelled without prejudice or disclaimer. Therefore, claims 1-4, 7-10, and 12-19 are pending and resubmitted for consideration.

Independent claims 4 and 10 have been amended to include the subject matter of claims 5, 6, and 11. Claims 12 and 19 have been amended to correct minor informalities.

35 U.S.C. § 112 Rejection

Claim 19 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 19 has been amended as appropriate. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

35 U.S.C. § 103 Rejection – Rahmstorf and Takahashi

Claim 1-6, 9-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,106,003 (“Rahmstorf”) in view of U.S. Patent Publication No. 2003/0189321 (“Takahashi”). The rejection is traversed at least because a prima facie case of obviousness has not been established.

For example the rejection of independent claims 1, 4, and 10 should be withdrawn at least because it is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). MPEP § 2145.

The combination of Rahmstorf and Takahashi is improper at least because Rahmstorf teaches away from the proposed modification. The Examiner correctly states that Rahmstorf does not teach a hinge portion that “is formed as a linear concave groove” as called for by the claims. The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify the trim panel of Rahmstorf to include a hinge portion as taught by Takahashi to “allow the cover flaps to rotate out of the airbag deployment path and along a

predetermined line.” Office Action at p. 4. However, Rahmstorf specifically teaches away from the use of cross-sectional weakenings of the supporting member (referred to as “plastic hinges”). See Rahmstorf at col. 1, lines 33 to col. 2, lines 61. Rahmstorf teaches an airbag system in which “ ‘plastic’ hinges are dispensed with” and a tearing region is formed in with a pointed oval shape. Rahmstorf at col. 2, lines 54-55, and see Fig. 5. Therefore, Rahmstorf teaches that hinge portions with “linear concave grooves” are not desired. Furthermore, Rahmstorf states that many hinges are undesirable because of the added risk of flaps breaking away and injuring a vehicle occupant, and due to the additional production and inspection outlay that may be required. See Rahmstorf at col. 1, lines 60-67. Thus, one of ordinary skill in the art would not be motivated to modify the trim panel of Rahmstorf to include the hinge portions as disclosed in Takahashi.

Claims 2-3, 9, 12-13 and 15-17 depend from either claim 1, claim 4, or claim 10 and are therefore allowable for at least the reasons set forth above without regard to the further patentable limitations contained therein.

35 U.S.C. § 103 Rejection – Derrick and Takahashi

Claims 1-12 and 14-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,550,803 (“Derrick”) in view of Takahashi. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Derrick in view of Takahashi and further in view of U.S. Patent Publication No. 2002/0195800 (“Florsheimer”). The rejections are traversed at least because a prima facie case of obviousness has not been established.

For example the rejection of independent claims 1, 4, and 10 should be withdrawn at least because there is no motivation to combine the teachings of Derrick and Takahashi.

The Examiner contends Derrick does not disclose a hinge portion that “is formed as a linear concave groove” as called for by the claims. The Examiner contends that Takahashi discloses a hinge portion formed of linear concave grooves and that it would have been obvious to modify the airbag cover of Derrick to include the hinge formed as a linear groove as taught by Takahashi. The Examiner further states that the modification would have been

obvious “to allow the cover flaps to rotate out of the airbag deployment path and along a predetermined line.” Office Action at p. 7.

The motivation provided by the Examiner is insufficient to support a *prima facie* case of obviousness. A *prima facie* case of obviousness requires that one of ordinary skill in the art would have been motivated to modify the references as suggested by the Examiner. The Examiner contends that one of ordinary skill in the art would have applied the teachings of Takahashi to the airbag cover of Derrick in order to allow the cover flaps to rotate out of the airbag deployment path and along a predetermined line. However, the Examiner has provided no evidence that one of ordinary skill in the art would have considered that the airbag cover disclosed by Derrick does not have flaps that rotate out of the airbag deployment path and along a predetermined line.

Derrick teaches that conventional gas bags may suffer from a problem, such as a gas bag exiting the gas bag receptacle in a hindered manner. *See* Derrick at col. 1, lines 11-25 and 28-35. Derrick teaches that this problem can be overcome by providing tear lines that converge at a center point. *See* Derrick at col. 1, lines 28-41. Derrick also teaches that an airbag cover with flaps (“covering portions”) may be folded outwardly along predetermined lines. *See* Derrick at col. 2, lines 31-38; and Fig. 1 (dashed lines indicate fold line). Thus, one of ordinary skill in the art would not be motivated to turn to Takahashi to solve any problem regarding flaps rotating out of the airbag deployment path and along a predetermined line, because Derrick itself offers an acceptable solution. Florsheimer, taken together or separately with Derrick or Takahashi, fails to cure the deficiencies of the references. Thus, the basis for the combination relied upon by the Examiner is flawed and does not support a *prima facie* case of obviousness. Reconsideration and withdrawal of the rejection of claims 1, 4, and 10 is accordingly requested.

Claims 2-3, 7-9, and 12-19 depend from either claim 1, claim 4, or claim 10 and are therefore allowable for at least the reasons set forth above without regard to the further patentable limitations contained therein.

Conclusion

Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 28, 2007

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